

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SHAVONDA HAWKINS, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

THE KROGER COMPANY,

Defendant.

Case No.: 15cv2320 JM(AHG)

ORDER ON MOTION TO SEAL

On December 4, 2020, Plaintiff filed a motion to file an unredacted version of the Declaration of Gregory S. Weston in support of Plaintiff's Opposition to Kroger's Motion for Judgment ("Weston Declaration") along with several attached exhibits under seal because it contains a document designated by Kroger as "confidential." (Doc. No. 288.)

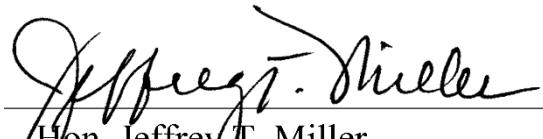
In support of the motion, Plaintiff contends that although it is her view that there is nothing in the documents that qualifies for sealing, Defendant is requesting the documents be sealed as they contain information designated by Kroger as "confidential." The document Kroger has designated as confidential is a product specification sheet for Kroger Breadcrumbs dated March 13, 2015. Plaintiff asserts that: "Kroger contends this document is properly sealed because it contains sensitive competitive business information." (Doc. No. 288-1 at 2.)

1 Once protected discovery documents are made part of a dispositive motion, “they
2 lose their status of being raw fruits of discovery” and no longer enjoy protected status
3 without some overriding interests in favor of keeping the material confidential. *Foltz v.*
4 *State Farm Mut. Auto. Ins. Co.* 331 F.3d 1122, 1136 (9th Cir. 2003). Having reviewed the
5 exhibit in question, the court does not find compelling reasons to file the product
6 specification sheet under seal on the broad ground set forth.

7 Accordingly, the court **DENIES** Plaintiff’s motion to seal. Having found no
8 compelling reason exists to seal the documents, Plaintiff shall publicly file the document
9 lodged under seal at Docket Number 289 forthwith.

10 IT IS SO ORDERED.

11 Dated: December 10, 2020



Hon. Jeffrey T. Miller
United States District Judge